**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH**

S.B. CRIMINAL MISC. PETITION NO.1643/07

Smt. Kanta Devi **Versus** State & Anr.

**DATE OF ORDER :: 24/10/2007**

**HON'BLE MR. JUSTICE AJAY RASTOGI**

Mr. Prahlad Sharma, for petitioner
Mr. Arun Sharma, Public Prosecutor for State

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Instant petition has been filed assailing the order dt.23rd July, 2007 whereby application of petitioner filed u/s.190(1) read with Section 319 Cr.P.C. was rejected by learned trial Judge.

Complainant-petitioner filed a written report on 14th April, 2007 in which FIR bearing No.87/07 was registered at Police Station Chaksu for the offence u/ss.143, 341, 323 & 379 IPC and after investigation, the Investigating Officer filed challan against Smt. Teeja Devi u/ss.341 & 323 IPC. Petitioner at this stage filed application u/s.319 of the Code and made a request that Investigating Officer has committed an error in not filing challan against other co-accused who were specifically named in FIR and so also in the statements which were recorded during investigation u/s.161 Cr.P.C. Learned trial Judge after taking into consideration the material has specifically observed that since evidence is yet to be recorded and in the statements recorded

u/s.161 Cr.P.C. of Shanker S/o Ramnarain & Hari Narain S/o Panchu Ram, both have specifically named Teeja Devi against whom cognizance has been taken - as such has not considered appropriate to take cognizance against other co-accused as requested by petitioner.

This Court has gone through the order impugned and does not find any infirmity therein which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed.

**[AJAY RASTOGI],J.**